



MARYLAND DEPARTMENT OF THE ENVIRONMENT
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Robert L. Ehrlich, Jr.
Governor

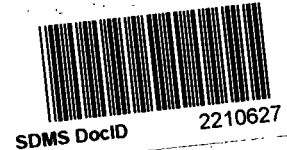
Kendall P. Philbrick
Secretary

Michael S. Steele
Lieutenant Governor

August 8, 2006

Jonas A. Jacobson
Deputy Secretary

David S. Meiskin, Managing Member
Herron 393, LLC
Pond Road Center
4345 Route 9, Suite 28
Freehold, New Jersey 07728



Re: Voluntary Cleanup Program Application
Herron Area 3 Property
Elkton, Maryland 21921

Dear Mr. Meiskin:

The Voluntary Cleanup Program ("VCP") of the Maryland Department of the Environment ("Department") has reviewed the application package for the Herron Area 3 property, a portion of Herron Farm located south of Zeitler Road between Little Elk Creek and Laurel Run, Elkton, Cecil County, Maryland. Please submit written responses to the enclosed comments so that a final evaluation of the application package can be completed by the VCP. The requested information must be accompanied by another statement of certification as found in Section XIV of the application.

After evaluating the additional information, we will notify you in writing whether the property has been accepted for participation in the VCP. The evaluation will be finalized as soon as possible following the Department's receipt of the requested information.

If you have any questions regarding the enclosed comments or other aspects of the program, please contact Irena Rybak, the project manager, or me at 410-537-3493.

Sincerely,

James W. Metz, Chief
Voluntary Cleanup/Brownfields Division

JWM:ir
Enclosure

cc: James B. Witkin, Esq., Linowes and Blocher LLP
Ms. Lorie Baker, EPA
Mr. Horacio Tablada
Mr. James R. Carroll
Ms. Irena Rybak

Voluntary Cleanup Program (VCP)

HERRON AREA 3

**Herron Farm, portion south of Zeitler Road between Little Elk Creek
and Laurel Run**

Elkton, Cecil County, Maryland 21921

Comments on the VCP Application Package

Application

- 1) Please provide a title abstract of the property summarizing the previous owners and include subdivisions and consolidations, if applicable. A copy of the Commitment for Title Insurance prepared by the LandAmerica Commonwealth and included in the application package, does not fulfill the required title abstract. The title abstract may be presented as a table or a chart and must list each owner of the property, land use, and dates of property ownership.
- 2) Please provide a legal description of the Herron Area 3 portion of the property, included in VCP application, that will become the subject of the final VCP document.
- 3) Please submit photographs verifying that a public notice, regarding the application for the VCP, was posted on the property as required by Section 7-506 (d) of the Environmental Article, Annotated Code of Maryland.

Phase I Site Assessment Report

1) Section 3.2.5.1 MDE FUDS Site Inspection Reports

The VCP concludes that an ASTM Phase II environmental site assessment (Phase II ESA) is necessary for the property because of the recognized environmental conditions identified in the Phase I ESA. Please submit a work plan for the Phase II ESA for review and approval by the VCP. The work plan should be submitted prior to implementation and completion of the Phase II ESA. The work plan must include the complete delineation of Munitions and Explosives of Concerns (MEC), Materials Potentially Possessing an Explosive Hazard (MPPEH), and Munitions Debris (MD), and the following chemicals of concern: nitroaromatic compounds, including trinitrotoluene (TNT) and associated daughter compounds, perchlorate, arsenic, chromium, mercury, lead, polychlorinated biphenyls (PCBs), and trichloroethene. The delineation must be conducted on the entire Herron Area 3 property, including the eastern portion of the property. The MEC survey must mimic the geophysical survey, supervised by the U.S. Environmental Protection Agency (EPA), presented in the Draft Geophysical Surveys to

Investigate Surface and Subsurface Conditions at the Elkton Farm Firehole Site report completed by Tetra Tech EM Inc. and dated June 28, 2005. Also, during recent removal activities at the property initiated by EPA, asbestos contamination was detected. Please include the delineation of asbestos contamination at the property.

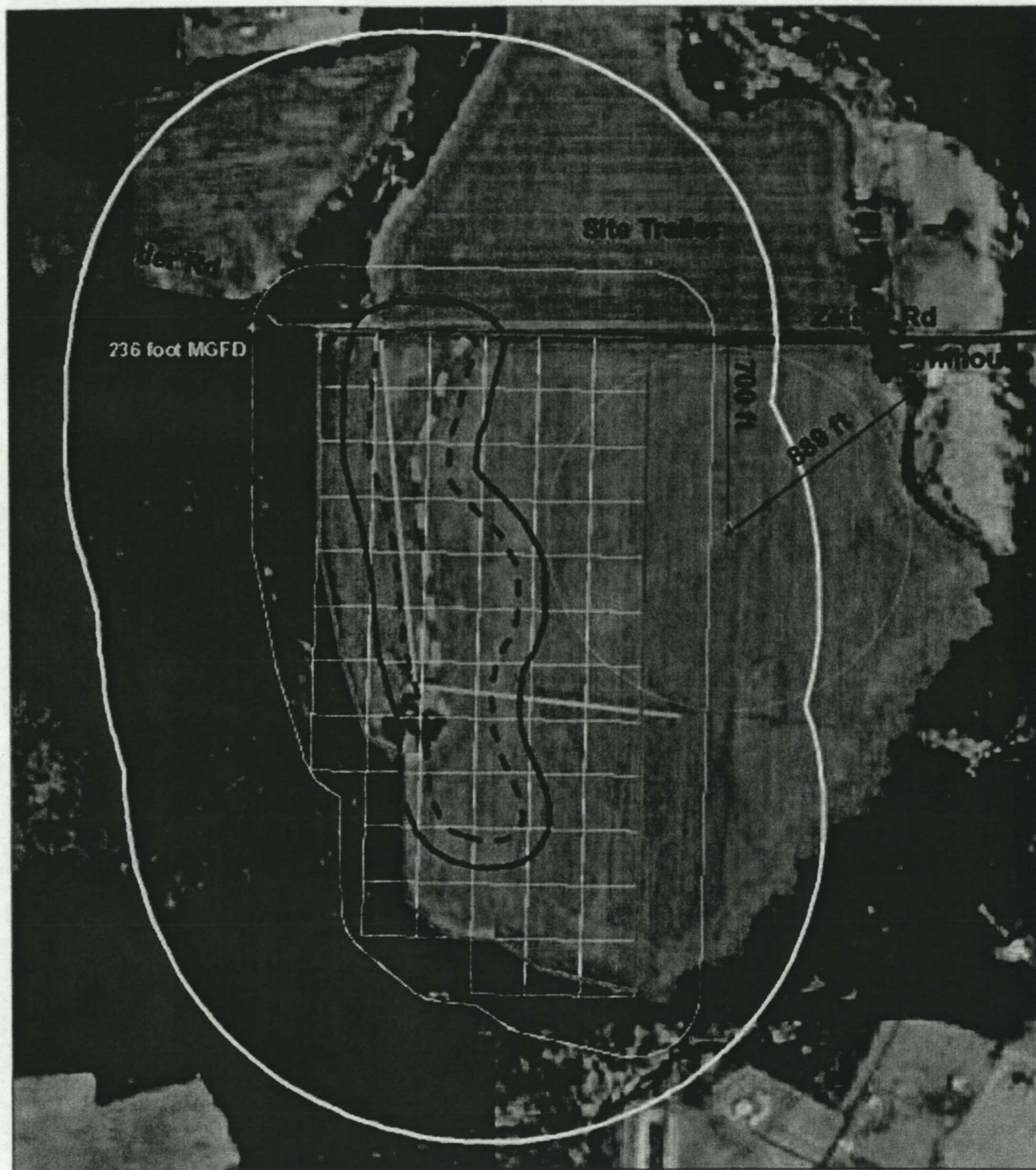
- 2) Please note that the MDE's documents completed for Herron Area 3 property and cited in the Phase I ESA are not considered a complete Phase II ESA for this property.
- 3) Please note that based on the environmental data presented in the Phase I ESA, after Phase II ESA is completed for the property, a proposed response action plan (RAP) will be required for the property.
- 4) The VCP will work with EPA to establish clean-up levels for MEC, MPPEH, and MD. The Phase II ESA work plan, Phase II ESA and RAP will be sent to EPA for review and approval.

5) Section 4.2 Solid and Hazardous Waste Storage and Disposal

Drums and buckets filled with waste, observed during Phase I ESA, should be identified and properly disposed. If the waste can not be identified, waste sampling should be conducted prior to disposal. The area with observed soil staining should be sampled and delineated and the contaminated soil must be properly disposed. The assessment activities must be proposed in the Phase II ESA work plan.

6) Section 4.5 PCB Management

Please conduct a PCB survey of the property and determine if the identified transformer is a PCB transformer.



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Legend

- Site Trailer
- Magazine Location
- High Intensity Area
- 655 foot Magazine Buffer
- 236 foot MGFD Buffer
- Dump Area (55 acres)
- 1095 foot MGFD Buffer
- 100 foot High Intensity Area Buffer
- 200 X 200 foot Grid
- Powerline
- Gravel Road
- Zeller Road

1

0 290 580 870 Feet

Elkton Farms Firehole Project
Elkton, Maryland

1095 Foot MGFD

Map Prepared for: InfoPro Corporation

Map Created: January 30, 2006